

REMARKS

Claims 6, 9-20, 26, 27, 33-46, 48-53 and 55 are pending in the application. Claims 35-46, 48-53 and 55 are cancelled without prejudice to eliminate issues. No claims are allowed or indicated allowable

The Office Action states that the reissue oath/declaration filed with this application is defective. The Final Office Action alleges that the declaration is defective because the declaration alleges that the error in the patent is that the embodiment of the invention wherein portions of the bead on the inner surface of the frame are positioned between the inner surface of the base and the end portions of the members was not claimed. However original patent claim 20 provided coverage for these features, as such, the alleged error is not a proper reissue error.

The Advisory Action before the Filing of an Appeal Brief alleges that the supplemental declaration does not state a re-issuable error.

Applicant respectfully traverses the positions of the Office Action; however, to eliminate these issues, a new Declaration is filed with this Amendment. The new Declaration states that the error is that the embodiment of the invention recited in claim 1 of U.S. Patent No. 6,813,191 is too broad, and that the error is corrected by the cancellation of claim 1.

Based on the forgoing, applicant respectfully submits that the Declaration filed with this Amendment states a re-issuable error and states how the error is corrected.

Claims 6, 9-20, 26, 27, 33 and 34 are rejected as being based upon a defective reissue declaration under 35U.S.C. 251 as set forth above.

Applicant respectfully traverses the rejection of claims 6, 9-20, 26, 27, 33 and 34 as being based upon a defective reissue declaration under 35U.S.C. 251 as set forth above.

Applicant has discussed above that the Declaration filed with this Amendment states a re-issuable error and states how the error is corrected.

Based on the foregoing, applicant respectfully requests withdrawal of the rejection of claims 6, 9-20, 26, 27, 33 and 34 as being based upon a defective reissue declaration under 35U.S.C. 251 and requests allowance of claims 6, 9-20, 26, 27, 33 and 34.

This Amendment represents a sincere effort to place this application in condition for allowance. In the event issues remain, the Examiner is invited to call Mr. Andrew Siminerio at 412-434-4645, or the undersigned to discuss those issues before further action on the case is taken.

Respectfully submitted,

DONALD C. LEPIANE
Registration No. 25,996
Attorney of Record


Telephone: 412-434-2884
Facsimile: 412-434-4292

Pittsburgh, Pennsylvania
February 22, 2011